IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 15821 of 2005(H)

PETITIONER:

A.C. BALAKRISHNAN NAMBIAR,
S/O. LATE KUNHIRAMAN NAIR, AGED 55 YEARS,
`SREEPURAM', KAVUNGAL, PANAYAL POST,
BEKAL (VIA), KASARAGOD DISTRICT.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KASARAGOD DISTRICT.

2. THE SENIOR INSPECTOR/SALE OFFICER, HOSDURG PRIMARY CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD., KANHANGAD, KANHANGAD POST, KASARAGOD DISTRICT.

3. THE MANAGER, HOSDURG PRIMARY CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK KANHANGAD, KANHANGAD POST, KASARAGOD DISTRICT.

BY ADV. SRI.T.R.HARIKUMAR,SC,HPCA&RDBAN
BY SENIOR GOVT. PLEADER SRI.P.K.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1 True copy of the Sale Notice dated 18.4.2005 issued by the second respondent.

Ext.P2 True copy of the petition dated 5.5.2005 filed by the petitioner before the respondents.

//true copy//

P.S. to Judge.

J.M. JAMES, J.

W.P.(C) No. 15821 of 2005

Dated this the 11th January, 2007.

J U D G M E N T

The writ petition was preferred on 24.5.2005. This Court granted an interim order on 26.5.2005 directing the writ petitioner to pay Rs.10,000/= each, on or before the last working day of every month, commencing from June 2005. It was also directed that in case of any default, the above order will stand automatically recalled, and the respondents will be at liberty to proceed with the sale and initiate coercive action.

2. Counsel appearing for the 3rd respondent submits that four instalments of Rs.10,000/= each had been deposited, and thereafter, defaulted. However, the counsel submitted that the 3rd respondent is willing to extend the one time settlement facility, if approached by the petitioner.

3. When the matter was posted on 15.12.2006, there was no representation. Hence, it was posted for disposal. It was adjourned thereafter to 21.12.2006, 2.1.2007, and accordingly, it comes for disposal today. There is no one to represent the writ petitioner today also.

4. In such circumstances, I dispose of the writ petition, directing the writ petitioner to approach the 3rd respondent, if so advised, with a representation for an one time settlement facility, within 10 days from today. On receipt of the same, the 3rd respondent shall hear the writ petitioner and dispose of the matter, on merit, within one month from the date of receipt of such representation. A statement of accounts showing the loan amount, interest that accrued, amount remitted and amount further due from the writ petitioner to the 3rd respondent, shall be supplied to the writ petitioner. In case of any dispute regarding the amount shown in the statement supplied by the 3rd respondent, the writ petitioner is at liberty to approach the appropriate forum. The 3rd respondent shall also extend the benefit of one time settlement to the writ petitioner, as per Circular No.59/2006, dated 30.11.2006.

5. There shall be no coercive steps initiated against the writ petitioner, till a final decision is taken on the representation, as stated above.

J.M. JAMES,
JUDGE

nj.